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*corrected*  
aqueous components using a batch media-agitating mill, wherein lipsticks are produced, by grinding and dispersing the powder components of a colorant to the oil components.

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#### REMARKS

These remarks follow the order of the outstanding Office Action beginning at page 2 thereof.

#### Priority

Applicant has amended the introductory portion of the specification to state the priority of the previously filed PCT application.

#### Oath/Declaration

Applicant submits with this amendment a new Declaration as required.

#### Specification

Applicant submits a revised specification correcting the spelling of the word "the" (page two, last line). Applicant has also made other corrections where noted.

#### Claim Rejections - 35 USC § 102

Applicant has studied the rejection under 35 USC § 102 and in light thereof has elected to cancel claims 1, 9, 10 and 11. Applicant has also amended the remaining claims, placing some in independent form and adding limitations in others.

#### Claim Rejections - 35 USC § 103

In the outstanding Office Action, claims 2, 7, 15 and 17 were rejected at page 4 on a combination of Hockmeyer, Sunstar, and

Ishihara. Each of these claims have now been amended to specifically require that the processes be carried out simultaneously. The media mill of Hockmeyer, on the other hand, is an apparatus that disperses a powder to a solvent (column 1, lines 1 - 3). The emulsification or the hydrophobicity process of the powder is not described. Conventionally, the dispersion and emulsification of hydrophobicity process of the powder are carried out separately. When the surface of the powder is processed by previous drainage, the surface treatment part is scraped when the powder is dispersed to the cosmetic products and the hydrophobicity may have been lost. In the method for producing cosmetic products of the present invention, the processes are carried out simultaneously. Compared with emulsifying with the homogenizer, the product becomes more smooth and creamy by emulsifying with the medium mill.

Claim 7

As required by MPEP § 706.02(j), the rejection must include all elements of the claims in the references, or otherwise show that the elements are obvious. Applicant respectfully submits that Claim 7 sets forth a step of mixing powdered components and an oil phase component. This step is not shown in the references of record. Still further, none of the references of record even mention oil. Claim 7 also requires that the components as binders be mixed in a media-agitating mill to form a slurry wherein an organic silicon resin compound is incorporated when dispersing the powder components. On the other hand, Hockmeyer, while teaching a

basket, simply does not teach the materials to be placed in it. There is no teaching of what to put in the basket of Hockmeyer. The Examiner has not found any teaching or suggestion to use cosmetics in such a Hockmeyer device.

In '713, there is suggestion of use of stirring mill. However, there is no oil present and no mention of a basket-type stirring mill or suggestion thereof.

In Ishihara Sangyo there is taught a silicon base, not an organic silicon resin compound. Still further, this reference, like the others above, simply makes no mention of an oil phase component as set forth claim 7.

#### Claim 8

The percentages set forth in claim 8 are not found in any of the three references relied upon by the Examiner.

#### Claims 2 - 6

Claim 2 has been amended to eliminate the "whereby" clause and to positively recite by means of a "wherein" clause an aggregate particle of the powder ground to form a slurry. Therefore, this clause must be considered in evaluation the patentability of claim 2.

Claim 2 sets forth an oil component as a binder. In the three references relied upon, there is no suggestion of or mention of an oil component. Next, in the group of three references, there is no suggestion that cosmetics may be used in combination with a media-agitating mill as taught in Hockmeyer. Instead the references speak of mixing, (Sunstar and Ishihara Sangyo), and at best the use

of a media stirring mill, both references are directed to blendings, but not the claimed aggregated particle of the powder which is ground to form a slurry.

Claim 3

Claim 3 further requires the removal of the solvent from the slurry and filling into a container. This is not discussed in the references.

Claim 4

Claim 4 relates to solvent removal and dry press molding. This is not found in the references.

Claim 5

Claim 5 recites a different process wherein the slurry is filled in the container and then subjected to suction press molding. These steps are simply not found in or suggested by the references.

Claim 6

The percentages stated in claim 6 are not found in the references and the Examiner has not explained how such percentages would be obvious.

Claims 12 - 14

Claim 12 states that the in-tank stirring device is provided in a position which does not interfere with the route of the fluid coming into or out of the basket. This is seen in Applicant's Figure 1 where the in-tank stirring device is separated away from the basket. The stirring device is reference numeral (20). In comparison, exactly the opposite is found in '715 which shows the

stirring devices (impellers at the top and the bottom) which interfere with the route of the fluid coming into and out of the basket part. For this reason, Claim 12 is clearly not suggested by the reference. The secondary references Ishihara Sangyo and Sunstar are not related at all to the media-agitating mill as claimed.

#### Claim 14

Claim 14 states that the in-tank stirring device is a turbinal blade. As shown by Applicant's drawings, such a turbinal blade (20) is located as to not interfere with the route of the fluid coming into and out of the basket. This feature is clearly not present in '715 and, therefore, claim 14 simply does not meet the all elements test.

#### Claims 15 and 16

Claim 15 relates to an oily component. There is simply no oily component of a cosmetic oil component disclosed in the references of record.

In claim 16, there is stated to be the addition of a solidifying aid followed by a stirring with heating. Neither the solidifying aid or the stirring with heating is found in Ishihara Sangyo or Sunstar. For this reason, the all-elements requirement has not been satisfied by the rejection.

#### Claim 17

Claim 17 relates to emulsification through the use of a media-agitating mill. The '715 reference as a media-agitating mill simply does not suggest that it is useful as an emulsification

device. Similarly, the Sunstar or Ishihara Sangyo references do not suggest that emulsification should be attempted in a media-agitating mill. The word "emulsification" simply does not appear in Ishihara Sangyo or Sunstar.

Claims 18 - 24

Claim 18 refers to an organically-denatured clay material which is not found in the references. Next, claim 18 calls for mixing the denatured clay material, a surfactant, a hydrophobic dispersion medium capable of dispersing an swelling said organically-denatured clay material in the presence of a surfactant. These steps of mixing and forming are simply not found in Ishihara Sangyo or Sunstar taken singly or in combination. There is no clay in either reference, much less the claimed swelling of the clay material.

Claim 19

There is nothing in the references of record which relates to a particle coating agent added to the organically-denatured clay material dispersion. For this reason, claim 19 is clearly patentable over the references of record which do not suggest this additional step.

Claim 20

Claim 20 relates to the percentages of the clay material. This is not suggested.

Claim 21

This claim relates to the particle which is not hydrophobic in a range of 5 to 50%. This in combination with all of claim 19 and claim 18 is clearly not suggested by the references of record.

Claim 22

This claim specifically sets forth trimethylsiloxysilicic acid. This compound is not found in the references.

Claim 23

Ishihara Sangyo first teaches that silicon cosmetic with particulate titanium dioxide fails in exhibiting transparency and ultra violet screening properties because the surface of the particulate titanium material is hydrophobic. There is a statement that certain materials are incompatible with each other. Also, Sunstar relates to UV blocking. However, neither reference singly nor the references when taken in combination suggest that there be a particle coating agent or that the particle is not made hydrophobic as a UV-protecting particle as set forth in claim 23 which relates back to the organic clay material of claim 18. Please see claim 18 as discussed above.

There is simply no suggestion of the specific making of the particle non-hydrophobic which is UV-protecting particle.

Claim 24

Claim 24 claims a group of materials including titanates. Ishihara Sangyo discloses titanium dioxide as having inherent U-V screening properties. However, the protection function and method set forth in claim 23 is simply not suggested by Ishihara Sangyo or Ishihara Sangyo in combination with Sunstar.

Claim 25 - 29

Claim 25 refers to an oily phase which is not found in any of the three reference as discussed above. Next, the references do not suggest a media-agitating mill to impart hydrophobicity followed by a step for adding an emulsifier and a water phase. Since the references do not suggest this specific step, this claim is clearly allowable.

Claim 26

Claim 26 further includes the batch media-agitating mill and stirring device to claim 25. There is simply no suggestion or reason to combine Ishihara Sangyo and Sunstar with '715. The suggestion is not found in the references.

Claim 27

This claim refers to a continuous mill and a preliminary stirring tank. Such a preliminary stirring tank is not found in the references or suggested.

Claim 28

Emulsification in a media mill part is not suggested by or taught by the references taken singly or in combination.

Claim 29

Since the references do not discuss oil, they clearly do not discuss water in oil. Therefore, there is no suggestion of the subject matter of claim 29.

Claim 30

Claim 30 refers to the oil which is not found in the references.



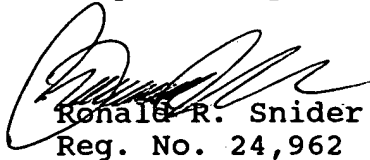
Claim 31

Claim 31 calls for the dispersion of powder components, followed by an addition of a solidifying aid and stirring with heating followed by compaction molding. These steps are not found in the references of record. Therefore, this claim is clearly patentable.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made."

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action in accordance thereof is requested. In the event there is any reason why the application cannot be allowed in this current condition, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems by Interview or Examiner's Amendment.

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE****In the Specification:**

Two copies of the specification are attached. One copy amends the specification by inner delineation and the other is a clean copy.

**In the Claims:**

Claims 1, 9, 10 and 11 have been canceled.

Claims 2, 7, 8, 12, 15, 17, 18, 19, 22, 25, 30 have been amended as follows:

2. (Amended) A method for producing cosmetic products [**according to Claim 1**] comprising a step of dispersing powder components and oil components or aqueous components using a media-agitating mill, wherein [**the production of**] solid powdery cosmetic products are produced, powder components and oil components as binders are mixed in a solvent to form a slurry and wherein [**said mixing is performed using a media-agitating mill whereby grinding**] an aggregated particle of the powder components is ground to form a slurry in a state a primary particle or close to a primary particle, and

wherein grinding of the powder components and depositing oil components uniformly over the surface of powder components are performed simultaneously using a media-agitating mill.

7. (Amended) A method for producing cosmetic products [according to Claim 1] comprising a step of dispersing powder components and oil components or aqueous components using a media-agitating mill, wherein [the production of] powdery cosmetic products are produced, [involves at least a step for mixing] powder components, [and] oil [phase] components as binders, and organic silicon resin compounds are mixed in a solvent [using a media-agitating mill] to form a slurry and wherein [an organic silicon resin compound is incorporated when dispersing the powder components] grinding, hydrophobic and dispersion of powder components to oil components are performed simultaneously using a media-agitating mill.

8. (Amended) A method for producing cosmetic products according to Claim 7 wherein the powdery cosmetic product contains 60 to 97 % by weight of powder components, 1 to 20 % by weight of a particle [costing] coating agent and 2 to 30 % by weight of oil components [and wherein the powder components are capable to be made hydrophobic].

12. (Amended) A method for producing cosmetic products [according to Claim 9] comprising a step of dispersing powder components and oil components or aqueous components using a batch media-agitating

mill, wherein the batch media-agitating mill comprises, in an identical tank, both of at least one basket part in which a solid dispersion medium is contained and which has an in-basket stirring device for stirring the content of the basket and at least one in-tank stirring device for both of a preliminary mixing and a dispersion fluidization,

wherein a mixture of powder components and oil components or aqueous components are preliminarily mixed [preliminary] by the in-tank stirring device runs into the basket part, the powder components are dispersed by the solid dispersion medium in the basket part and then runs as a dispersion out of the basket part, the dispersion is fluidized by the in-tank stirring device and a part of it returns into the basket part whereby effecting a circulation,

and wherein the in-tank stirring device is provided in a position which does not interfere with the route of a fluid coming into and out of the basket part.

15. (Amended) A method for producing cosmetic products [according to Claim 10] comprising a step of dispersing powder components and oil components or aqueous components using a batch media-agitating mill, wherein the [production of an] oily cosmetic products are produced, and grinding and dispersing of the powder components into the oil components are performed simultaneously using [involves a use of] a batch media-agitating mill[ for dispersing the powder components into the oil components].

17. (Amended) A method for producing cosmetic products [according to Claim 10] comprising a step of dispersing powder components and oil components or aqueous components using a batch media-agitating mill, wherein [the production of an] emulsified cosmetic [product] products are produced, wherein grinding and dispersing of [involves a use of a batch media-agitating mill for dispersing] the powder components [and] to the oil components or the aqueous components are performed simultaneously a media-agitating mill [into the solid dispersion medium] followed by an addition of the aqueous components or the oil components and

wherein [followed by an] emulsification is by using a media-agitating mill.

18. (Amended) A method for producing cosmetic products [according to Claim 1)] comprising a step of dispersing powder components and oil components or aqueous components using a media-agitating mill, comprising a step [for] of mixing an organically-denatured clay mineral, a surfactant, a hydrophobic dispersion medium capable of dispersing and swelling said organically-denatured clay mineral in the presence of a surfactant, a particle which is not made hydrophobic and a particle [costing] coating agent to disperse said powder components into a state of a primary particle or close to a primary particle using a media-agitating mill while imparting the surface of said particle with a hydrophobicity.

19. (Amended) A method for producing cosmetic products according to Claim 18 comprising a step **[for]** of mixing an organically-denatured clay mineral, a surfactant and a hydrophobic dispersion medium to form an organically-denatured clay mineral dispersion, adding a particle which is not made hydrophobic and a particle **[costing]** coating agent to said organically-denatured clay mineral dispersion and mixing using a media-agitating mill to impart the surface of said particle with a hydrophobicity.

22. (Amended) A method for producing cosmetic products according to Claim 18 wherein the particle **[costing]** coating agent is trimethylsiloxysilicic acid.

25. (Amended) A method for producing cosmetic products **[according to Claim 1]** comprising a step of dispersing powder components and oil components or aqueous components using a media-agitating mill,

wherein the production of an emulsified cosmetic product involves a step **[for]** of dispersing a particle which is not made hydrophobic and a particle **[costing]** coating agent into an oily phase using a media-agitating mill to impart a hydrophobicity followed by a step **[for]** of adding an emulsifier and **[an]** a water phase to effect an emulsification, both steps being conducted continuously in a single device.

30. (Amended) A method for producing cosmetic products **[according to Claim 9]** comprising a step of dispersing powder components and

oil components or aqueous components using a batch media-agitating mill, wherein lipsticks are produced, by grinding and dispersing  
[the production of a lipstick involves a use of a batch media-agitating mill to disperse] the powder components [and the oil components] of a colorant to the oil components.